

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re patent application of:
Fred J. Molz IV

Serial No.: 10/757,819

Filed: January 15, 2004

SPINAL IMPLANT CONSTRUCT AND
METHOD FOR IMPLANTATION

) Before the Examiner:
) Javier G. Blanco

) Group Art Unit: 3774

) Attorney Docket: MSDI-667/
) PC860.00

) January 28, 2008
)

RESPONSE TO FINAL OFFICE ACTION AND ADVISORY ACTION (WITH RCE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated September 26, 2007 and the Advisory Action dated December 20, 2007, please enter and consider the following amendments and remarks. A fee in the amount of \$120 is remitted herewith for a one (1) month extension of time, thereby extending the time period to respond to January 26, 2008, which falls on a Saturday, thereby further extending the response period to January 28, 2008, which falls on a Monday and is the first business day after January 26, 2008. Additionally, remitted herewith is a Request for Continued Examination (RCE) and the requisite fee in the amount of \$810. Please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

January 28, 2008

Date of Deposit

Brad A. Schepers

Name of Registered Representative

Signature

January 28, 2008

Date of Signature

Response to final Office Action
and Advisory Action (with RCE)
Application Serial No. 10/757,819

INTRODUCTORY COMMENTS

Claims 1-34 and 63-90 were pending in the subject application for the final Office Action dated September 26, 2007. Claims 4, 5 and 16 have been withdrawn from consideration as being drawn to a non-elected species of the invention. Claims 1-3, 6-15, 17-34 and 63-90 have been rejected on various grounds. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.